



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 36
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution amending Resolution No. 030424-36 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of a permanent wastewater lift station site, access road, gas and water easement containing 2,027 square feet of land, and a temporary construction easement containing 2,490 square feet of land out of Lot 2, Block C, Bluffington, Section 2, Travis County, Texas, generally known as 3002 Stratford Drive, in the City of Austin, Travis County, Texas, owned by Todd Martin, in the amount of \$46,345, because the parties have been unable to agree on an appropriate purchase price.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Anne Morgan**

FOR MORE INFORMATION CONTACT: Chester Beaver, Assistant City Attorney, 974-2317

PRIOR COUNCIL ACTION: Council approved Resolution No. 030424-36

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Resolution No. 030424-36 authorized the City Attorney to file a lawsuit in eminent domain to acquire a permanent wastewater lift station site, access road, gas and water easement containing 2,027 square feet of land, and a temporary construction easement containing 2,490 square feet of land out of Lot 2, Block C, Bluffington, Section 2, Travis County, Texas, generally known as 3002 Stratford Drive, in the City of Austin, Travis County, Texas. The property interests to be acquired in the proposed action are to be used to improve and increase the City's ability to provide the public with sanitary sewer service. The proposed action clarifies the intended public uses for the property interests to be acquired.

RESOLUTION NO. 20050623-

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or his successor in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Todd Martin

Project: The Bluffington #3 Lift Station Project

Intended Purpose: the permanent wastewater lift station easement is for the public purpose of placing, constructing, operating, repairing, upgrading, replacing, relocating and removing a natural gas line and a water line to connect to an existing lift station; the temporary workspace easement that is necessary to construct the natural gas line and water line to the existing lift station within the permanent wastewater lift station easement; and access road

Location: 3002 Stratford Drive, Travis County, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: _____
Shirley A. Brown
City Clerk